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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AMENDMENT AFTER FINAL

APPLICANT: Smith DOCKET NO.: EVS-P-99-017
SERIAL NO.: 09/510,087 GROUP ART UNIT: 3751
FILED: October 26, 2001 EXAMINER: D. Walczak
TITLE: "A MARKING DEVICE, A METHOD OF USING THE SAME AND AN
ACCESSORY KIT FOR THE MARKING DEVICE"

Assistant Commissioner for Patents
Box AF
Washington, D.C. 20231

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FEB 25 2003

TECHNOLOGY CENTER R3700

S I R:

In response to the Office Action dated August 13, 2002, please amend the above-identified application as follows:

IN THE CLAIMS:

Please amend Claim 1 as follows:

~~subF3~~ 1. A marking device comprising:

~~a barrel having a body defined between a first end and a second end wherein the first end has a tip capable of producing a mark;~~
~~a sheath that covers the body of the barrel between the first end and the second end wherein the sheath has a first layer and a second layer wherein the first layer has an adhesive to attach to the second layer; and~~

~~an end cap removably attached on the second end of the barrel wherein the end cap has a connecting lead extending from the end cap.~~

Please amend Claim 9 as follows:

~~subF3~~ 9. A marking device accessory kit, the accessory kit comprising:

~~a marking device having a barrel defined between a first end and a second end wherein the first end has a tip capable of producing a~~